

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87178 of 2024

Arising Out of PS. Case No.-382 Year-2024 Thana- GARKHA District- Saran

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1. Rahul Kumar @ Mantu S/o- Bhisham Ray Village- Mohammadpur, P.S.- Garkha, District- Saran at Chhapra
 2. Raja Kumar S/o- Baliram Ray Village- Mohammadpur, P.S.- Garkha, District- Saran at Chhapra
 3. Bankey Ray @ Bankey Prasad Yadav S/o- Krishna Ray Village- Mohammadpur, P.S.- Garkha, District- Saran at Chhapra
 4. Baliram Ray S/o- Late Hoshiyar Ray Village- Mohammadpur, P.S.- Garkha, District- Saran at Chhapra
 5. Rajeev Ray S/o- Baliram Ray Village- Mohammadpur, P.S.- Garkha, District- Saran at Chhapra
 6. Pritam Kumar S.o- Sanjay Ray @ Sanjay Kumar Village- Mohammadpur, P.S.- Garkha, District- Saran at Chhapra
 7. Rajesh Ray @ Rajesh Kumar S/o- Late Wakil Ray Village- Mohammadpur, P.S.- Garkha, District- Saran at Chhapra
 8. Sanjay Ray @ Sanjay Kumar S/o- Late Wakil Ray Village- Mohammadpur, P.S.- Garkha, District- Saran at Chhapra
 9. Manish Ray @ Manish Kumar S/o- Baliram Ray Village- Mohammadpur, P.S.- Garkha, District- Saran at Chhapra
 10. Ranjan Kumar S/o- Sughan Ray Village- Mohammadpur, P.S.- Garkha, District- Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-12-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. At the very outset, learned counsel for the



petitioners seeks permission to withdraw this application with regard to petitioner no. 6.

3. Permission is granted.

4. Accordingly, the instant application with regard to petitioner no. 6 is dismissed as withdrawn.

5. However, if the petitioner no. 6 surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

6. Now, this application is being heard only with regard to petitioners no. 1, 2, 3, 4, 5, 7, 8, 9 and 10.

7. Heard learned counsel for the petitioners and learned A.P.P. for the State.

8. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 120(B), 379 of the Indian Penal Code and Section 27 of the Arms Act.

9. As per the prosecution case, all the FIR named accused persons including the petitioners brutally assaulted the informant and his friend, as a result of which, they sustained multiple injuries.



10. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioners. Petitioners no. 1, 2, 3, 9 and 10 have no criminal antecedent, petitioners no. 4 and 7 has three criminal antecedents, petitioner no. 5 has one criminal antecedent and petitioner no. 8 has two criminal antecedents as mentioned in para-3 of this application.

11. Learned APP for the State opposes prayer for anticipatory bail.

12. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against the petitioners no. 1, 2, 3, 4, 5, 7, 8, 9, 10, let the above named petitioners no. 1, 2, 3, 4, 5, 7, 8, 9, 10, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Garkha P.S. Case No.382 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



13. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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